

CONDOMINIUM PUBLIC REPORT

Prepared & Issued by: Developer SCOTT RICHARD CARVILL, JULIANNA TOMMERVIK CARVILL, and SCOTT J LARUE, Trustee of the Scott J. LaRue Revocable Trust dated April 10, 2008
Address c/o 111 Hekili Street, Suite 109, Kailua, Hawaii 96734

Project Name(*): 798 MOKAPU ROAD
Address: 798 Mokapu Road, Kailua, Hawaii 96734

Registration No. 5094 (Conversion)

Effective date: May 3, 2011

Expiration date: June 3, 2012

Preparation of this Report:

This report has been prepared by the Developer pursuant to the Condominium Property Act, Chapter 514A, Hawaii Revised Statutes, as amended. This report is not valid unless the Hawaii Real Estate Commission has issued a registration number and effective date for the report.

This report has not been prepared or issued by the Real Estate Commission or any other government agency. Neither the Commission nor any other government agency has judged or approved the merits or value, if any, of the project or of purchasing an apartment in the project.

Buyers are encouraged to read this report carefully, and to seek professional advice before signing a sales contract for the purchase of an apartment in the project.

Expiration Date of Reports: Preliminary Public Reports and Final Public Reports automatically expire thirteen (13) months from the effective date unless a Supplementary Public Report is issued or unless the Commission issues an order, a copy of which is attached to this report, extending the effective date for the report.

Exception: The Real Estate Commission may issue an order, a copy of which shall be attached to this report, that the final public report for a two apartment condominium project shall have no expiration date.

Type of Report:

PRELIMINARY:
(yellow) The developer may not as yet have created the condominium but has filed with the Real Estate Commission minimal information sufficient for a Preliminary Public Report. A Final Public Report will be issued by the developer when complete information is filed.

FINAL:
(white) The developer has legally created a condominium and has filed complete information with the Commission.

☐ No prior reports have been issued.

☐ This report supersedes all prior public reports.

☐ This report must be read together with _____

X SUPPLEMENTARY:
(pink) This report updates information contained in the:

☐ Preliminary Public Report dated: _____

☒ Final Public Report dated: September 2, 2003

☐ Supplementary Public Report dated: _____

And ☐ Supersedes all prior public reports.

☒ Must be read together with Final Public Report dated September 2, 2003

☐ This report reactivates the _____

public report(s) which expired on _____

(*) Exactly as named in the Declaration

This material can be made available for individuals with special needs. Please call the Senior Condominium Specialist at 586-2643 to submit your request.

FORM: RECO-30 286/986/189/1190/892/0197/1098/0800/0203/0104/0107
G:\CPR\CLIENT\Carvill Larue 798 Mokapu\Amendment to Dec Map Pub Rpt\Supplementary Public Report.docx

Disclosure Abstract: Separate Disclosure Abstract on this condominium project:

☒ Required and attached to this report as Exhibit "H" ☐ Not Required - Disclosures covered in this report.

Summary of Changes from Earlier Public Reports:

This summary contains a general description of the changes, if any, made by the developer since the last public report was issued. It is not necessarily all inclusive. Prospective buyers should compare this public report with the earlier reports if they wish to know the specific changes that have been made.

☐ No prior reports have been issued by the developer.

☒ Changes made are as follows:

1. Developer Scott James Larue conveyed his interest in the Project to his Trust (SCOTT J. LARUE, Trustee of the Scott J. LaRue Revocable Trust, dated April 10, 2008) by instrument dated April 10, 2008, filed as Land Court Document No. 3735167.
2. The Project's Declaration and Condominium Map were amended (1) to reflect that the shed that initially constituted Unit 2 has been replaced with a residence and other improvements, (2) to correct the number of parking stalls located in the garage portion of Unit 1, and (3) to change the boundary between the limited common elements appurtenant to the Units. See revised page 6, 10, 11, 12, 16, Exhibit D.
3. Encumbrances against title are shown on title reports dated March 10, 2011 prepared by Title Guaranty of Hawaii, Inc. See revised page 14 and Exhibit E.

II. CREATION OF THE CONDOMINIUM; CONDOMINIUM DOCUMENTS

A condominium is created by recording in the Bureau of Conveyances and/or filing with the Land Court a Declaration of Condominium Property Regime, a Condominium Map (File Plan), and the Bylaws of the Association of Apartment Owners. The Condominium Property Act (Chapter 514A, HRS), the Declaration, Bylaws, and House Rules control the rights and obligations of the apartment owners with respect to the project and the common elements, to each other, and to their respective apartments. The provisions of these documents are intended to be, and in most cases are, enforceable in a court of law.

A. **Declaration of Condominium Property Regime** contains a description of the land, buildings, apartments, common elements, limited common elements, common interests, and other information relating to the condominium project.

The Declaration for this condominium is:

☐ Proposed

☐ Recorded - Bureau of Conveyances: Document No. _____
Book _____ Page _____

☒ Filed - - Land Court: Document No. 2920701

The Declaration referred to above has been amended by the following instruments [state name of document, date and recording/filing information]:

1. Amendment to Declaration of Condominium Property Regime and to Condominium Map No. 1544 for 798 MOKAPU ROAD, dated --- (acknowledged June 16, 2003), filed as Land Court Document No. 2945749.
2. Amendment to Declaration of Condominium Property Regime and to Condominium Map No. 1544 for 798 MOKAPU ROAD, dated --- (acknowledged July 17, 2003), filed as Land Court Document No. 2979817.
3. Amendment to Declaration of Condominium Property Regime and Condominium Map No. 1544 for 798 MOKAPU ROAD, dated March 21, 2011, filed as Land Court Document No. 4060037.

B. **Condominium Map (File Plan)** shows the floor plan, elevation and layout of the condominium project. It also shows the floor plan, location, apartment number, and dimensions of each apartment.

The Condominium Map for this condominium project is:

☐ Proposed

☐ Recorded - Bureau of Conveyances Condo Map No. _____

☒ Filed - Land Court Condo Map No. 1544

The Condominium Map has been amended by the following instruments [state name of document, date and recording/filing information]:

See paragraph A, item 3, above.

C. **Bylaws of the Association of Apartment Owners** govern the operation of the condominium project. They provide for the manner in which the Board of Directors of the Association of Apartment Owners is elected, the powers and duties of the Board, the manner in which meetings will be conducted, whether pets are prohibited or allowed and other matters which affect how the condominium project will be governed.

The Bylaws for this condominium are:

☐ Proposed

☐ Recorded - Bureau of Conveyances: Document No. _____
Book _____ Page _____

☒ Filed - - Land Court: Document No. 2920702

The Bylaws referred to above have been amended by the following instruments [state name of document, date and recording/filing information]:

Fee Owner: SCOTT RICHARD CARVILL, JULIANNA
TOMMERVIK CARVILL, and SCOTT J.
LARUE, Trustee of the Scott J. LaRue
Revocable Trust dated April 10, 2008
Name

Lessor: _____
Name

Business Address

C. **Buildings and Other Improvements:**

1. ☐ New Building(s)
☒ Conversion of Existing Building(s)
☐ Both New Building(s) and Conversion

2. Number of Buildings: 2 Floors Per Building: Unit 1: 2; Unit 2: 2

☐ Exhibit _____ contains further explanations.

3. **Principal Construction Material:**

☐ Concrete ☐ Hollow Tile ☒ Wood

☐ Other _____

4. **Uses Permitted by Zoning:**

	No. of Apts.	<u>Use Permitted By Zoning</u>	
<input checked="" type="checkbox"/> Residential	<u>2</u>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Commercial	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Mix Res/Comm	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Hotel	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Timeshare	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Ohana	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Industrial	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Agricultural	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Recreational	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Other	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No

Is/Are this/these use(s) specifically permitted by the project's Declaration or Bylaws?

☒ Yes ☐ No

5. Special Use Restrictions:

The Declaration and Bylaws may contain restrictions on the use and occupancy of the apartments. Restrictions for this condominium project include but are not limited to:

[] Pets: _____

[] Number of Occupants: _____

[] Other: _____

[X] There are no special use restrictions.

6. Interior (fill in appropriate numbers):

Elevators: _____ Stairways: _____ Trash Chutes: _____

Apt. Type	Quantity	BR/Bath	Net Living Area (sf)*	Net Other Area (sf)	(Identify)
Unit 1	1	4/3.5	3,577	588	garage
Unit 2	1	4/5	3,859	145/	entry/
_____	_____	_____	_____	465/	lanai/
_____	_____	_____	_____	321/	decks/
_____	_____	_____	_____	780	garage

Total Number of Apartments: _____ 2 _____

***Net Living Area is the floor area of the apartment measured from the interior surface of the apartment perimeter walls.**

Other documents and maps may give floor area figures which differ from those above because a different method of determining the floor area may have been used.

Boundaries of Each Apartment:

The outside surfaces of the exterior walls and roof and the bottom surfaces of the footings and foundations of each Unit.

Permitted Alterations to Apartments:

See attached Exhibit "B"

Apartments Designated for Owner-Occupants Only:

Fifty percent (50%) of **residential** apartments must be so designated; developer has a right to substitute similar apartments for those apartments already designated. Developer must provide this information either in a published announcement or advertisement as required by section 514A-102, HRS; or include the information here in this public report and in the announcement (see attachment 11a). Developer has n/a elected to provide the information in a published announcement or advertisement.

7. Parking Stalls:

Total Parking Stalls: 6

	<u>Regular</u> <u>Covered</u> <u>Open</u>	<u>Compact</u> <u>Covered</u> <u>Open</u>	<u>Tandem</u> <u>Covered</u> <u>Open</u>	TOTAL
Assigned (for each unit)	<u>3</u> <u> </u>	<u> </u> <u> </u>	<u> </u> <u> </u>	<u>3</u>
Guest	<u> </u> <u> </u>	<u> </u> <u> </u>	<u> </u> <u> </u>	<u> </u>
Unassigned	<u> </u> <u> </u>	<u> </u> <u> </u>	<u> </u> <u> </u>	<u> </u>
Extra for Purchase	<u> </u> <u> </u>	<u> </u> <u> </u>	<u> </u> <u> </u>	<u> </u>
Other: <u> </u>	<u> </u> <u> </u>	<u> </u> <u> </u>	<u> </u> <u> </u>	<u> </u>
Total Covered & Open:	<u>3</u>	<u> </u>	<u> </u>	<u>3</u>

Each apartment will have the exclusive use of at least 3 parking stall(s).
Buyers are encouraged to find out which stall(s) will be available for their use.

☐ Commercial parking garage permitted in condominium project.

☐ Exhibit contains additional information on parking stalls for this condominium project.

8. Recreational and Other Common Facilities:

☒ There are no recreational or common facilities.

☐ Swimming pool

☐ Storage Area

☐ Recreation Area

☐ Laundry Area

☐ Tennis Court

☐ Trash Chute/Enclosure(s)

☐ Other:

9. Compliance With Building Code and Municipal Regulations; Cost to Cure Violations

☒ There are no violations.

☐ Violations will not be cured.

☐ Violations and cost to cure are listed below:

☐ Violations will be cured by
(Date)

10. Condition and Expected Useful Life of Structural Components, Mechanical, and Electrical Installations (For conversions of residential apartments in existence for at least five years):

N/A

2. Limited Common Elements: Limited Common Elements are those common elements which are reserved for the exclusive use of the owners of certain apartments.

☐ There are no limited common elements in this project.

☒ The limited common elements and the apartments which use them, as described in the Declaration, are:

☒ described in Exhibit D .

☐ as follows:

NOTE: Reference to said Exhibit "D" to "Dwelling Areas" does not mean legally subdivided lots.

3. Common Interest: Each apartment will have an undivided fractional interest in all of the common elements. This interest is called the "common interest." It is used to determine each apartment's share of the maintenance fees and other common profits and expenses of the condominium project. It may also be used for other purposes, including voting on matters requiring action by apartment owners. The common interests for the apartments in this project, as described in the Declaration, are:

☐ described in Exhibit .

☒ as follows:

Unit 1 - 50%

Unit 2 - 50%

- E. Encumbrances Against Title: An encumbrance is a claim against or a liability on the property or a document affecting the title or use of the property. Encumbrances may have an adverse effect on the property or your purchase and ownership of an apartment in the project.

Exhibit E describes the encumbrances against the title contained in the title reports dated March 10, 2011 and issued by Title Guaranty of Hawaii, Inc.

G. **Status of Construction and Date of Completion or Estimated Date of Completion:**

Unit 1 was completed in the 1950's.
Unit 2 was completed in 2004.

H. **Project Phases:**

The developer ☐ has ☒ has not reserved the right to add to, merge, or phase this condominium.

Summary of Developer's plans or right to perform for future development (such as additions, mergers or phasing):

2. Rights Under the Sales Contract: Before signing the sales contract, prospective buyers should ask to see and carefully review all documents relating to the project. If these documents are not in final form, the buyer should ask to see the most recent draft. These include but are not limited to the:
- A) Condominium Public Reports issued by the developer which have been issued an effective date by the Hawaii Real Estate Commission.
 - B) Declaration of Condominium Property Regime, as amended.
 - C) Bylaws of the Association of Apartment Owners, as amended.
 - D) House Rules, if any.
 - E) Condominium Map, as amended.
 - F) Escrow Agreement.
 - G) Hawaii's Condominium Property Act (Chapter 514A, HRS, as amended) and Hawaii Administrative Rules, (Chapter 16-107, adopted by the Real Estate Commission, as amended).
 - H) Other _____

Copies of the condominium and sales documents and amendments made by the developer are available for review through the developer and or through the developer's sales agent, if any. The Condominium Property Regime Law (Chapter 514A, HRS) and the Administrative Rules, (Chapter 107), are available on line. Please refer to the following sites:

Website to access official copy of laws: www.capitol.hawaii.gov

Website to access unofficial copy of laws: www.hawaii.gov/dcca/hrs

Website to access rules: www.hawaii.gov/dcca/har

This Public Report is a part of Registration No. 5094 filed with the Real Estate Commission on May 5, 2003.

Reproduction of Report. When reproduced, this report must be on:

☐ YELLOW paper stock

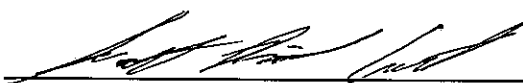
☐ WHITE paper stock

☒ PINK paper stock

- D. The developer declares subject to the penalties set forth in section 514A-49(b) that this project is in compliance with all county zoning and building ordinances and codes, and all other county permitting requirements applicable to the project, pursuant to Act 251 (SLH 2000) [Section 514A-1.6] (The developer is required to make this declaration for issuance of an effective date for a final public report.)
- E. The developer hereby certifies that all the information contained in this Report and the Exhibits attached to this Report and all documents to be furnished by the developer to buyers concerning the project have been reviewed by the developer and are, to the best of the developer's knowledge, information and belief, true, correct and complete.

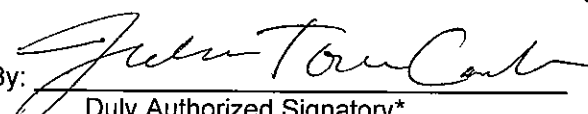
SCOTT RICHARD CARVILL, JULIANNA TOMMERVIK CARVILL, and SCOTT J. LARUE, Trustee of the Scott J. LaRue Revocable Trust dated April 10, 2008

Printed Name of Developer

By:  3/14/11
Duly Authorized Signatory* Date

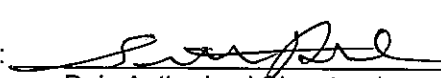
SCOTT RICHARD CARVILL

Printed Name & Title of Person Signing Above

By:  3/14/11
Duly Authorized Signatory* Date

JULIANNA TOMMERVIK CARVILL

Printed Name & Title of Person Signing Above

By:  3/21/11
Duly Authorized Signatory* Date

SCOTT J. LARUE, Trustee of the Scott J. LaRue Revocable Trust dated April 10, 2008

Printed Name & Title of Person Signing Above

Distribution:

Department of Finance, City and County of Honolulu

Planning Department, City and County of Honolulu

****Must be signed for a: corporation by an officer; partnership or Limited Liability Partnership (LLP) by the general partner; Limited Liability Company (LLC) by the manager or member; and for an individual by the individual.***

EXHIBIT "D"

LIMITED COMMON ELEMENTS. Paragraph 5 of the Declaration states:

"5. LIMITED COMMON ELEMENTS.

5.1 Certain parts of the common elements, herein called the "Limited Common Elements", are hereby designated and set aside for the exclusive use of each Unit, and each Unit shall have appurtenant thereto exclusive easements for the use of all such limited common elements. Unless otherwise specified, all costs of every kind pertaining to each limited common element, including, but not limited to, costs of landscaping, maintenance, repair, replacement and improvement, shall be borne by the Dwelling to which it is appurtenant. The limited common elements so set aside and reserved are as follows:

5.2 The limited common elements so set aside and reserved for the exclusive use of Unit 1 are as follows:

(a) The site on which Unit 1 is located, consisting of the land area beneath and immediately adjacent to Unit 1, as shown on the Amended CPR Map as "Dwelling Area 1 10,445 Sq. Ft." (including the airspace above such site) is for the exclusive benefit of Unit 1; and

5.3 The limited common elements so set aside and reserved for the exclusive use of Unit 2 are as follows:

(a) The site on which Unit 1 is located, consisting of the land area beneath and immediately adjacent to Unit 2, as shown on the Amended CPR Map as "Dwelling Area 2 10,312 Sq. Ft." (including the airspace above such site) is for the exclusive benefit of Unit 2.

5.4 Any other common element of the Project which is rationally related to fewer than all the Units shall be deemed a limited common element appurtenant to and for the exclusive use of such Unit to which it is rationally related."

Note: The "Dwelling Areas" herein described are not legally subdivided lots.

END OF EXHIBIT "D"

EXHIBIT "E"

ENCUMBRANCES AGAINST TITLE

1. For Real Property Taxes that may be due and owing, reference is made to the Office of the Tax Assessor, City and County of Honolulu.
2. DESIGNATION OF EASEMENT "D" (25 feet wide) for canal maintenance shown on on Map 109, as set forth by Land Court Order No. 10932, filed January 22, 1952
3. Right of way over Easement "D" and reserving easement over same in favor of the State of Hawaii, by instrument dated February 6, 1953, filed as Land Court Document No. 146810.
4. Structure position discrepancies as shown on the survey map prepared by Jaime F. Alimboyoguen, Land Surveyor, with Jaime F. Alimboyoguen, LLC, dated March 5, 2003.
5. The terms and provisions contained in the DECLARATION OF CONDOMINIUM PROPERTY REGIME FOR "798 MOKAPU ROAD" CONDOMINIUM PROJECT, dated April --, 2003, filed as Land Court Document No. 2920701. (Project covered by Condominium Map No. 1544 and any amendments thereto).

Said above Declaration was amended by instruments (a) dated --- (acknowledged June 16, 2003), filed as Land Court Document No. 2945749, (b) dated --- (acknowledged July 17, 2003), filed as Land Court Document No. 2979817; and (c) dated March 21, 2011, filed as Land Court Document No. 4060037.
6. The terms and provisions contained in the BY-LAWS OF THE ASSOCIATION OF OWNERS, dated April --, 2003, filed as Land Court Document No. 2920702.
7. GRANT to HAWAIIAN ELECTRIC COMPANY, INC. and VERIZON HAWAII INC., now known as HAWAIIAN TELCOM, INC., dated September 3, 2003, filed as Land Court Document No. 2990337, granting a perpetual right and easement for utility purposes.
8. - AFFECTS UNIT 1 ONLY: -

(A) MORTGAGE in favor of NAVY FEDERAL CREDIT UNION, a corporation organized and existing under the laws of the U.S. Government (12USC1751), dated February 24, 2004, filed as Land Court Document No. 3076178.

(B) MORTGAGE in favor of BANK OF HAWAII, a Hawaii corporation, dated September 12, 2005, filed as Land Court Document No. 3332810.
9. - AFFECTS UNIT 2 ONLY: -

(A) MORTGAGE in favor of WELLS FARGO BANK, N.A., dated March 11, 2009, filed as Land Court Document No. 3839886.

(B) MORTGAGE in favor of AMERICAN SAVINGS BANK, F.S.B., a federal savings bank, dated August 5, 2010, filed as Land Court Document No. 3988986.

END OF EXHIBIT "E"

EXHIBIT "H"

DISCLOSURE ABSTRACT

1.
 - (a) PROJECT: 798 MOKAPU ROAD
798 Mokapu Road
Kailua, Hawaii 96734
 - (b) DEVELOPER: SCOTT RICHARD CARVILL, JULIANNA TOMMERVIK CARVILL,
and SCOTT J. LARUE, Trustee of the Scott J. LaRue Revocable
Trust dated April 10, 2008
c/o 111 Hekili Street, Suite 109
Kailua, Hawaii 96734

Telephone: (808) 263-5900
 - (c) MANAGING AGENT: Self-Managed by the Association
of Apartment Owners

2. Breakdown of annual maintenance fees and monthly estimate costs for each unit are more fully described on Exhibit "1" attached hereto (revised and updated every twelve (12) months and certified to have been based on generally accepted accounting principles).

Note: Developers disclose that no reserve study was done in accordance with Chapter 514A-83.6, HRS, and replacement reserve rules, Subchapter 6, Title 16, Chapter 107, Hawaii Administrative Rules, as amended.

3. DESCRIPTION OF ALL WARRANTIES COVERING THE DWELLINGS AND COMMON ELEMENTS:

Developer is not giving any warranty on the material and workmanship of the Units.

4. USE OF UNITS. The 798 MOKAPU ROAD Condominium Project will consist of two (2) units which will be used only for residential purposes by the respective owners thereof, their tenants, families, domestic servants and social guests and for any other purpose permitted by the land use ordinance ("LUO") for the City and County of Honolulu then in effect.

EXHIBIT "1"
ESTIMATED OPERATING EXPENSES
For Period April 1, 2011 to March 31, 2012
As Prepared by Developer

Estimated Annual Expenses	
Ground Maintenance	
Water/Sewer	\$-0-
*Electricity:	\$-0-
**Fire/Liability Insurance:	\$-0-
Management Fee:	\$-0-
Miscellaneous:	\$-0-
 TOTAL ANNUAL EXPENSES	 \$-0-
 Estimated Monthly Expenses	 \$-0-
 Estimated Monthly Maintenance Fee for Each Apartment:	 \$-0-

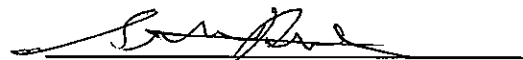
Note: * All utilities will be separately metered or otherwise charged, and the common elements will incur no separate utility charges. Maintenance and repair on the driveway which services both apartments will be undertaken as needed. The costs of such are shared equally by the Unit Owners.

** Section 514A-86, Hawaii Revised Statutes, requires the Association of Apartment Owners to purchase fire insurance to cover the improvements of the Project, and that premiums be common expenses. Developer anticipates that the Association may elect to permit individual apartment owners to obtain and maintain separate policies of fire insurance and name the Association as an additional insured. In such case, fire insurance premiums will be the responsibility of individual apartment owners and not common expenses.

The Developer certifies that the maintenance fees and costs as estimated by the Developer is based on generally accepted accounting principles.


SCOTT RICHARD CARVILL


JULIANNA TOMMERVIK CARVILL


SCOTT J. LARUE, Trustee of the Scott J. LaRue
Revocable Trust dated April 10, 2008

"Developer"